

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID LEE DILLARD,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C14-671-MJP-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court *sua sponte* upon plaintiff's failure to file an opening brief or respond to an Order to Show Cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Scheduling Order, plaintiff's opening brief was due on or before August 18, 2014. Dkt. 16 at 1. However, the opening brief has not been filed to date.

On August 26, 2014, the Court ordered plaintiff to show cause why this case should not be dismissed for failure to prosecute by no later than Monday, September 8, 2014. Dkt. 17.

1 To date, however, plaintiff has not filed his opening brief or responded to any of the Court's
2 Orders.

3 Accordingly, the Court recommends that this case be DISMISSED without prejudice
4 for failure to prosecute. A proposed order accompanies this report and recommendation.

5 Objections to this Report and Recommendation, if any, should be filed with the Clerk
6 and served upon all parties to this suit by no later than **October 6, 2014**. Failure to file
7 objections within the specified time may affect your right to appeal. Objections should be
8 noted for consideration on the District Judge's motion calendar for the third Friday after they
9 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
10 objections. If no timely objections are filed, the matter will be ready for consideration by the
11 District Judge on **October 10, 2014**.
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14 DATED this 15th day of September, 2014.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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